



THE GRASS ROOTS



an official publication of the Wisconsin Golf Course Superintendents Association

Volume XV, No. 4

July/August 1988

WE WON!

By Monroe S. Miller

I knew something was up when I saw the letter from Russ Weisensel. It was addressed to me by hand, obviously hurriedly and in Russ' own writing. I tore the envelope open to see a memo from Russ to the Forestry/Rights-of-Way/Turf Coalition. He had printed "We Won!!" on the top of the memo with a felt tip pen, giving hint not only to the contents of his letter, but to his excitement as well.

Obviously what we won was the lawsuit against the Town of Casey (Washburn County) Board. The FRoWT Coalition joined Ralph Mortier, a land owner in Casey, in a suit that asked the circuit court in Washburn County to declare an ordinance passed by the Town Board in 1985 invalid. The suit was filed in the spring of 1986; the decision was rendered on May 16 of this year.

Actually, the case wasn't about pesticide use at all. The central issue in this litigation was the question of whether or not pesticide regulation at the town level is preempted by federal and state laws. Despite attempts on the part of a State of Wisconsin public intervenor staff attorney to deflect this central issue, Judge Dennis Bailey found, when he granted the FRoWT motion for a summary judgement against Casey, that the ordinance was too broad and in conflict with state and federal laws. He reaffirmed the key point that local units of government do not have jurisdiction in regulating pesticides. Those attempts by the public intervenor to emphasize peripheral is-

sues were rebuffed by the judge.

The Town of Casey decision joins a slowly growing body of judicial decisions relating to this point of law; most of us in Wisconsin are familiar with the Wauconda, Illinois case. Other supporting cases have occurred in Maryland and Virginia. Regardless of that, PI Dawson has been quoted as saying that if the FRoWT Coalition won the case, "I can almost guarantee you it will go to appellate court." Time will tell us if he is serious.

The decision made by Judge Bailey represents a major victory for the turf-grass industry. The foresight and leadership shown by Russell Weisensel can only amplify the gratitude and respect we already have for him. Ralph Mortier deserves significant recognition for the courage and willingness he has shown in participating in this legal action. Attorneys Rick Lewandowski and Paul Kent of the Madison law firm of DeWitt, Porter, Huggett, Schumacher & Morgan, S.C., did a very thorough and capable job of representing us in court. The Board of Directors of the Coalition gave their complete support to the effort to declare the Casey ordinance invalid. And thanks are due to those who made financial donations — the bills must always be paid.

Litigation is an option most would rather avoid, even in circumstances like these. That makes it especially rewarding when the outcome is favorable.

WGCSA DONATES

WGCSA Treasurer Bruce Worzella took the occasion of the April meeting to present MMSD's Jim Spindler two checks. The first, in an amount greater than \$1,600, was the profit from the 1987 Wisconsin Golf Turf Symposium and goes to the O.J. NOER FOUNDATION. The second check was for \$1,000, also payable to the NOER FOUNDATION, which will in turn donate that money to the O.J. NOER CENTER for TURFGRASS RESEARCH.



Jim Spindler and Bruce Worzella.

Inside...

President's Message	2
Editorial	3
The Sports Page	5
Jottings From the Golf Course Journal ..	7
James R. Love Scholarship Recipient ..	9
Wisconsin Soils Report	11
Wisconsin Pathology Report	15
After Hours	16
USGA Director at Sheboygan	19
The Campus Connection	21
NOR-AM Scholarship Recipient	23
The Computer Corner	25
Stan Zontek Visits	29
Letters	30
Dry Start to a Long Season	31